

As the ranking member of the constitution subcommittee on the Judiciary Committee, let me begin with the obvious for my colleagues in the Senate: Birthright citizenship is a constitutional right. Congress can't amend that amendment with a statute. I would think that every Senator knows that. To put this provision before us is merely to try to provoke a debate on a bill which has no impact on the Constitution.

The citizenship clause of the 14th Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

I urge my colleagues, particularly the one offering this amendment, to pick up the Constitution and read it. The 14th Amendment is as clear as can be.

The citizenship clause has been restated and established by four centuries of Anglo-American jurisprudence. The 14th Amendment raised the short-lived exception to birthright citizenship that was established by the infamous Dred Scott decision of 1857. We certainly remember that. It was one of the provocations that led to a civil war in this country. We should take this issue extremely seriously.

The Supreme Court has repeatedly ruled that the 14th Amendment applies to U.S.-born children of noncitizens. What part of that does the author of this amendment not understand?

The Court rejected arguments that the son of Chinese nationals, who were forbidden under the Chinese Exclusion Act from ever becoming U.S. citizens, could be deprived of citizenship because of his parents' status.

The Supreme Court ruled that: "Nothing is better settled at the common law than the doctrine that the children, even of aliens . . . are subjects at birth." Subsequent decisions have backed that up.

The famous case of *Plyer v. Doe* basically said—the Court reasoned that even if the Court wanted to control the conduct of adults, "legislation directing the onus of the parent's misconduct against his children does not comport with fundamental concepts of justice." The law is clear.

So this amendment being offered by Senator VITTER is a provocative, unnecessary, and basically feckless effort to stall an important bill that should be passed on a bipartisan basis.

I hope my colleagues, whatever their feelings on this issue, will understand, you cannot amend the Constitution by a statute. I thought that was in basic Senate 101, but we have to get back to it to make clear that my colleagues understand this important human trafficking bill should not be bogged down or stopped with issues such as abortion—as important as it is—which should be saved for a separate debate, or this effort to amend the U.S. Constitution with an amendment on the floor to a statute. That certainly is not

a good way for us to accomplish things in the Senate.

#### FOR-PROFIT SCHOOLS

Mr. DURBIN. Mr. President, I have been coming to this floor for a long time. The Presiding Officer is new to the body so I know he has been spared my speeches on the subject talking about for-profit colleges.

This is an industry that lures students with flashy ads and misleading promises, gobbles up the Federal loan and grant money these students can bring to them and then ends up producing students—if they are lucky enough to get a diploma—who can't find good-paying jobs. To understand the for-profit college industry in America today, you only need to know three numbers—and for those who are listening, this will be on the final. Here are the three numbers: For-profit colleges enroll ten percent of college students in the United States of America. When you think of for-profit colleges, think of University of Phoenix, DeVry, Kaplan. There are a lot of them. Ten percent of college students go to these schools.

These schools, the for-profit schools, receive 20 percent of the Federal aid to education.

Why do they get so much if they only have 10 percent of the students? They charge so much. Their tuition goes through the roof. Ten percent of the students, 20 percent of the Federal aid to education. But this is the number I don't want you to forget—44.

Forty-four percent of all student loan defaults are students of for-profit schools. What does that tell us? It tells us these students are getting in over their heads. They are borrowing too much money. It tells us these students are dropping out and unable to pay their loans or end up with a worthless diploma and can't find a job.

How can the Senate stand back and say this is acceptable? For-profit colleges are the most heavily subsidized private companies in America today—the most heavily subsidized.

In the home State of the Presiding Officer and mine, we have some farmers. Our farmers get kicked around a little bit about all of the Federal money they receive. Our farmers don't hold a candle to the for-profit colleges and universities.

These folks have turned siphoning money out of the Federal Treasury into an art form. The money they pay the CEOs who engineer these arrangements is in the millions of dollars each year, all Federal dollars, virtually all, 90, 95 percent of Federal dollars. How can you call yourself a private, for-profit company, when 80 to 90 percent of your money is coming directly from the Federal Government?

As a matter of fact, this industry, the for-profit college industry, if we took the money we spent in subsidies to these schools, would be the ninth largest Federal agency in Washington.

Yet many flinty conservatives who hate subsidies and hate deficits look the other way: Oh, it is a private company—10 percent of the students, 20 percent of the aid in Federal education, 44 percent of all the student loan defaults—and they are getting 80 to 90 percent from the Federal Treasury and we are supposed to look the other way?

From time to time, students come and sit in our galleries. Many of them are soon to graduate from high school. They will be inundated by these for-profit schools.

As soon as you reach a certain age, you can't log onto your computer without these schools roaring at you about the great deals they have to offer. I took a look back in recent memory. They actually ran an ad before the Presiding Officer was elected, and it was an ad that was on local television here. It showed a very attractive young lady in her pajamas, lounging on her bed, and she had her laptop computer. She said in this ad: I am going to college in my pajamas. I am going to a for-profit college—I don't even have to get out of my pajamas, I can go to college.

That is a bad joke, and unfortunately too many people are lured into this belief: I can just log on and get a degree. Well, it turns out many times it is too darned expensive—and it is worthless, if you ever get it.

The stories that come to my office of young people who signed up for these for-profit schools and ended up with more debt than they could ever possibly imagine are horrifying. Imagine a 30-year-old woman in the suburbs of Chicago with over \$100,000 in debt and a worthless degree from Westwood College, one of the for-profit colleges in the Chicagoland area.

She watched all these crime shows on television, and they told her she could go into law enforcement with this degree. She spent 5 years, over \$100,000 in debt, and not a single law enforcement agency in the Chicagoland area would recognize that degree.

Was she ever told that along the way with all those fancy ads? Never. So I say to students: Think twice about these for-profit schools.

But I want to say a word about one particular instance that bothers me a lot. Corinthian was one of the largest—most people didn't know Corinthian as a for-profit school, but they knew some of the schools that were involved in it. Everest Colleges were owned by Corinthian.

Well, it turned out that Corinthian ran into a problem. Corinthian Colleges was falsifying information they gave to the Federal Government. The Federal Government asked Corinthian Colleges, as it asks all of these other for-profit colleges: How many of your students get jobs after they graduate?

Corinthian was falsifying the students getting jobs. In fact, Corinthian had this arrangement with many companies. They would give them \$1,000 and say: Can you hire our graduates for a month? You can let them go, but hire

them after graduation for a month or two, and we will give you some money to do it. The companies went along with that, subsidized employees, then they let the employees go.

Then Corinthian would report to the Federal Government: our graduates are working.

Well, when we called them on it and they couldn't produce the real information, Corinthian stock started plummeting and eventually went out of business. It was more than 1 year ago that I wrote to the Department of Education asking them to investigate Corinthian Colleges about falsifying job placement rates. It was originally reported by the Huffington Post. According to the Department, they looked into it. Corinthian was, in fact, lying, falsifying placement rates and creating attendance records at several of its institutions. Corinthian would use inflated placement rates to lure other unsuspecting students into the school. After the Department of Education placed financial sanctions on the company and delayed their title IV disbursements, Corinthian reported they didn't have enough cash flow and would have to close.

That is exactly what would have happened. Unfortunately, the Department of Education kept the school afloat even after this, shoveling hundreds of millions of dollars to the failed Corinthian company, allowing it to continue advertising and signing up students. At a point when private investors were jumping ship, the Department of Education was jumping in. Now, in a transaction blessed by the Department of Education, most of the former Corinthian campuses have been sold to ECMC.

This is a corporation that has served historically as a debt collector for the Department of Education. This is one of the companies that goes after students when they are not paying their student loans. Now this debt collection agency is going to own one of these for-profit colleges, what is left of Corinthian.

We are told this new debt collection university will operate as a not-for-profit entity. That was enticing, and I thought, well, at least they are not in the for-profit world. Despite being a not-for-profit company in name at least, I am troubled that ECMC is already—just weeks into owning and operating these schools—failing to live up to the promises they made to the students and to me.

This is an example. I wrote ECMC's head, David Hawn, in December, asking him to discontinue Corinthian's use of mandatory arbitration clauses as part of the school's enrollment agreement. What are these clauses? These clauses, signed by students, take away the rights of students to bring grievances before a court. And once students end up in arbitration proceedings, they find the rules stacked against them and in favor of the corporate players.

The associations that represent not-for-profit schools have informed me

that their member schools do not use these mandatory arbitration clauses. These clauses are essentially only used by companies in the for-profit college sector. I told Mr. Hawn if he was truly going to run a not-for-profit institution, he should follow the clear model of nonprofit education—no mandatory arbitration clauses for students.

In his response to me, Mr. Hawn certainly said the right thing. He told me that ECMC had "eliminated Corinthian's policy of binding mandatory arbitration."

The reason this is important is that if a student has been defrauded, and they signed one of these mandatory arbitration clauses, they can never get their case and their facts before an impartial jury or judge. It is going to be decided in an arbitration hearing instead.

Mr. Hawn summed up their policy and the issue as follows:

Bottom line: We believe that students have an unquestioned right to seek redress for grievances, including the right to file a lawsuit. We will not stand in the way of any student who wants to pursue litigation based on his or her personal experience.

It couldn't have been stated more clearly and better. It meant that this debt collection company that is taking over the failing for-profit school is saying that we are truly not-for-profit and we are truly going to play this on the square. If students feel they have been treated unfairly, they have every legal right to go to court so they do not end up with tens of thousands of debt because we defrauded them.

I felt pretty good about that response. Well, then we read the fine print. We found out that ECMC uses a combination of carrots and sticks to try to keep students out of court. First, ECMC's new enrollment document requires students to irrevocably waive their right to seek a trial by jury and waive their ability to join any class action lawsuit against the school.

That isn't what Mr. Hawn told me was going to happen. In other words, students who were wronged by ECMC have to challenge the school alone. They have to stand by themselves, and they can't make a court case in front of a jury.

Then there are carrots. ECMC's enrollment agreement does everything it can to scare students into arbitration. They offer to pay half the cost of a student's filing fee for arbitration if—and only if—the student waives his or her right to appeal the arbitrator's decision to court or bring a lawsuit against the school. And if a student demonstrates hardship, for example, because the student is saddled with enormous student loan debt and no job, ECMC will offer to pay the entire arbitration filing fee but, again, only if the student will forfeit their right to bring a lawsuit, which means the arbitrator's decision becomes binding.

I see another colleague of mine on the floor, and I know she wants to make a statement, so I will wrap up here.

Meanwhile, Corinthian executives seem to be off the hook. They have faded into obscurity. They took millions of dollars in Federal subsidies, they lured students into worthless schools, and the students ended up with the debt and worthless diplomas. They falsified the results of their activities to the Federal Government. Then they basically went bankrupt, took their million dollar salaries, and faded away. What is left behind? How about all the students with all the debt for the worthless courses at the worthless school?

That is the reality of the for-profit college industry, and Corinthian is exhibit A. It doesn't appear that any prosecution of these individuals who ran Corinthian into the ditch is likely. They have literally taken their money, and they are off to some other pursuit. Maybe they are looking for some new Federal subsidy that can make them rich. But the former students are left with worthless educations and more debt than they can ever repay—students such as Dawn Thompson from my State of Illinois.

Dawn has a parallel degree from Everest—part of Corinthian—but never ever could find a job in her field. She has over \$100,000 in student loan debt to become a parallel. How about that? She has Federal and private loans. After graduating, she was working a minimum-wage job now as a bank teller. She tried to file for bankruptcy a couple of years ago and—you guessed it—student loan debt is not dischargeable in bankruptcy. Dawn, it is with you for your lifetime. It is one of the few debts that are not dischargeable.

Dawn Thompson thought at that point her only option was to go back to school. She went back to Everest, the original school she went to. She thought that getting a master's degree from Everest would make a difference. It did. Her student loan debt went from \$100,000 to \$170,000. She is still struggling to find a job.

How can we stand by and let this happen? How can the Federal Government recognize these as real schools? How can we allow students to be misled into believing these are real colleges and universities? How can we continue to give these outrageous scandalous subsidies to these worthless companies where the CEOs are taking out millions of dollars?

It is time for us to do something about this. Shame on us if we sit here and make speeches about how bad the deficit is and how much we care about struggling students and ignore the obvious. For-profit colleges and universities as an industry are basically an industry that needs to be thoroughly investigated, carefully monitored, and most of their players need to go out of business—and not at the expense of the students.

We are talking about 10 percent of students, 20 percent of the Federal aid to education, and 44 percent of student loan defaults from for-profit colleges

and universities. It is time for the Senate, when it reauthorizes the Higher Education Act, to change this.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HEITKAMP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HUMAN TRAFFICKING LEGISLATION

Ms. HEITKAMP. Mr. President, I come to the floor today to talk about what I believe may be one of the most critical pieces of legislation to address human trafficking in the United States, and that is the piece of legislation authored by Senator LEAHY—the Runaway and Homeless Youth and Trafficking Prevention Act.

I am proud to be a cosponsor of this legislation and to add my name to the amendment Senator LEAHY submitted yesterday that adds this important piece of legislation to this current debate.

Senator LEAHY, as we all know, has been a tireless advocate for homeless and runaway youth and for LGBT individuals and for victims of human trafficking. His bill would provide the necessary services and additional protections for all of these young children. So I thank Senator LEAHY again for his continued work on behalf of some of our most vulnerable—our runaway and homeless youth.

As a former attorney general, I certainly believe that additional tools need to be made available to prosecutors so they can prosecute traffickers and johns and that we need to intervene and provide recovery services for victims. I think that need has never been greater. But why I am speaking today on this legislation is because it goes to that critical element of prevention. It supports those who are most susceptible to human trafficking, and that is our runaway and homeless youth.

Preventing one of the most vulnerable segments of our population from falling prey to this modern-day slavery should be one of the top priorities of this Nation. When we talk about trafficking, frequently people think these are young girls who may be coming into our country in containers or are trafficked from elsewhere. But we know that over 80 percent of the people trafficked, especially in the sex trade in this country, are citizens of our country. They are our children. They are American children. So we cannot simply put a face on this that doesn't recognize that American children are being trafficked.

Who among these children are the most vulnerable? It is runaway and homeless youth. So it is our responsibility

to do everything we can to prevent those children from being in a place where they are extraordinarily vulnerable.

We have heard some people say they do not believe that homeless and runaway youth are more susceptible to being trafficked and that we shouldn't single out special services for LGBT youth. I don't believe that, and I know better, because I have been to facilities that provide services for runaway and homeless youth. I don't believe people who say this have ever spoken to the social workers and the professionals who deal with these children every day.

I don't believe people who say that understand that runaway and homeless youth, unfortunately, have been, more than likely, already sexually and physically abused or told every day they are worthless or told that because of who they are, they are no longer welcome in their home. And when you diminish the spirit of a child, you then create a vulnerability in that child to be a target for traffickers.

A lot of people also think this is just a big-city problem. Well, let me tell you some of the stories of North Dakota. Just last June, a 13-year-old runaway from Minneapolis was rescued and her traffickers were arrested in Fargo-Moorhead. Police believe the traffickers were more than likely on their way out to our oil patch with the victim, and they stopped over in Fargo-Moorhead to make a little cash by selling these children in the Fargo-Moorhead area. This is a story we hear over and over again—the vulnerability of children, the trafficking of children into the oil patch in western North Dakota.

In fact, talking to the experts who track advertising of young children, whether it is in the deep or dark Net or whether it is in things such as backpage, they will tell you the spike in trafficking and ads in western North Dakota alarms them and should alarm us. So this is not a big-city problem. We know this is a problem that affects North Dakota. If traffickers are willing to snatch up a runaway in the Twin Cities and bring them out to North Dakota, you can be sure they are trying to prey on this vulnerable population in North Dakota as well.

This is personal for me. I know a lot about this topic because my sister works in this area, and I have spent a lot of time with her staff. They are the largest agency in North Dakota serving runaway and homeless youth populations in Fargo-Moorhead. I have heard stories of how vulnerable these children are. I have heard them tell stories about how the trafficking victims, with whom they have already worked, are sometimes recruited by those bold enough to try to cycle through waiting rooms where they are waiting for these kids.

I have heard the stories of guys waiting just down the block or in parking lots of shelters to snatch up these kids. Also I have heard stories of how once a

young child is involved in this, they then become recruiters of other young runaway children.

These stories are why it is so imperative to take action. And we can take action here in the Senate. We can take action by taking up the Runaway and Homeless Youth Trafficking Prevention Act. This bill reauthorizes vital programs that provide short-term shelter for youth who do not have a place to sleep—imagine that: youth, our children, do not have a place to sleep; crisis interventions and referrals to youth on the street and at drop-in centers—a hand up: we will take you and we will help you recover from whatever has happened in your life; long-term residential services; training and education; and employment support to help get these kids off the street and permanently provide a safe and secure path forward.

Importantly, this bill makes sure that LGTB runaway and homeless youth are not discriminated against when it comes to providing resources and services. We can have an opinion about this, but we all know that no human should be subjected to those kinds of conditions, and we must do everything we can to help them seek and receive the same services as any other child.

By ensuring that runaway and homeless youth have a safe place to stay and the resources they need, we can stem the tide of human trafficking in our country. By identifying vulnerable youth early and as effectively as possible, we can reduce the number of child sex trafficking victims by preventing them from becoming victims in the first place.

We can and we must do everything in our power to not only identify, prosecute, and help victims recover, we must do everything we can to prevent human trafficking. We can take a huge step forward on that by focusing attention and resources on our runaway and homeless youth population.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 178, which the clerk will report.

The senior assistant legislative clerk read as follows: